IN THE HIGH COURT OF JUDICATURE AT BOBBY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.313 OF 1997

Trimbak Dhondi Salunkhe .. Appellant

Vs.

Bhaskar Vishnu Salunkhe and ors. .. Respondents

Mr. A.M. Kulkarni h\f Mr. A.A. Kumbhakoni for appellant.

Mr. S.M. Sahastrabudhe h\f Mr. G.S. Godbole for Respondent Nos.1 and 4.

Ms. G.P. Mulekar, AGP for Respondent Nos.9 and 10.

CORAM: **B.H. MARLAPALLE,J.**

DATED: **JUNE 9, 2005**

P.C.:

1. The Special Civil Suit No.3 of 1997 came to be filed in the Court of Civil Judge, Senior Division at Solapur by the present respondents and the appellant was impleaded as Defendant No.1. It appears that some amount was awarded and deposited in the Court below. The plaintiffs apprehended that the defendant was likely to withdraw the entire amount when as per them they have half share i.e. Rs.1,80,544/- with interest. The plaintiffs had, therefore, filed an application at Exh.5

seeking temporary injunction restraining the defendant no.1 from withdrawing the remaining amount of compensation lying in the Court below and this application came to be allowed by the impugned order dated 21-1-1997 passed by the learned Joint Civil Judge, Senior Division, Solapur.

2. Though this appeal was admitted by the order dated 23-4-1997, the prayer for interim relief, as made out in the Civil Application No.2092 of 1997, was not granted. Thus, the interim injunction is operative about 8 years against the present appellant and the amount is lying with the Court below. The learned counsel for the appellant states that during the pendency of this appeal, Special Civil Suit No.3 of 1997 has been transferred to the Court at Barshi and it is presently pending. In addition, the issue of tenancy has also been referred to the Tenancy Tribunal. Under such circumstances, it would be expedient to dispose of this appeal by directing the pending suit to be decided within a fixed period.

3. In the premises, the appeal is disposed off and the Tenancy Tribunal is directed to decide the issue of

tenancy and submit its decision to the learned Civil Judge, Senior Division at Barshi, if it has not been done so earlier, as expeditiously as possible and in any case on or before 31st August 2005. It is further directed that the Special Civil Suit No.3 of 1997 be heard and decided on its own merits by 31st December, 2005. No order as to cost.

. Writ to go forthwith to the Courts below.

(B.H. Marlapalle,J.)